S.B. CIVIL WRIT PETITION NO.2880/1994.
(USHA DEVI VS. STATE & ORS.)

DATE OF ORDER : 02.05.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. M.S. Singhvi for the petitioner.
Mr. Shyam Ladrecha, AGA, for the respondents.

A direction is sought by the petitioner for respondents to accord her appointment as Teacher Grade-II from the date it was given to the persons who stood at lower pedestal in the select list prepared by the respondents in order of merit.

In brief, facts of the case are that the petitioner after obtaining Bachelors Degree in Arts from Oudh University in the year 1983, qualified the Bachelors Degree in Education in the year 1987 and also obtained Master Degree in Arts with Hindi in the year 1990 both from the Rajasthan University. The petitioner faced selection proceedings conducted by the respondents under a notification No.5/93 for the purpose of recruitment to the post of Teacher Grade III, under the Rajasthan Panchayat Samities and Zila Parishads Service Rules, 1959 and a select list as a consequent thereto was declared in the month of September 1993, however, name of the petitioner was not in that though certain persons standing at lower

pedestal in merit than the petitioner were shown as the persons selected. On personal contact with the competent officers of the respondent No.2, it was informed to the petitioner that there was some doubt about genuineness of the Bachelor Degree in Arts obtained by her from Oudh University. The petitioner immediately thereafter submitted a representation to the competent officer of the respondent Zila Parishad stating therein that she obtained the aforesaid Degree by acquiring requisite qualification from the Oudh University and by considering the same genuine, she was allowed to undergo the Bachelors Degree in Education Course as well as the Course of Master Degree in Hindi with Rajasthan University. No favourable consideration was given by the respondents, hence this petition for writ is preferred.

This Court by an order dated 27.08.99 directed the respondents "to give provisional orders of appointment in favour of the petitioner subject to final verification by the respondent Oudh University". In pursuant to the order aforesaid, it is stated at Bar that the respondents have already given appointment to the petitioner.

It is contended by learned counsel for the petitioner that the University of Oudh is a Statutory University and on basis

of the qualification acquired by that University, admission was given to the petitioner in Rajasthan University in the Course of Bachelors Degree in Education as well as in the Course of Master Degree in Arts, therefore, there was no occasion or reason to doubt genuineness of the qualification possessed by the petitioner.

In reply to the writ petition, the respondents came with a stand that the verification of the Degree possessed by the petitioner was essential and that was necessitated on account of many cases of fraudulent Degrees produced before the administrative authorities by the candidates coming from the States other than the Rajasthan, accordingly verification of the Degree obtained by the petitioner was sought from Oudh University and by its communication dated 01.03.1994, Registrar of the University aforesaid informed that no records pertaining to the petitioner was available.

Heard counsel for the parties.

It is not in dispute that the petitioner on basis of the Bachelor Degree in Arts from Oudh University was admitted in the Rajasthan University to undergo the Courses of Bachelor Degree in Education and Master Degree in Hindi and she

qualified those courses. The respondents also rightly sought verification of the Degree possessed by the petitioner and that was well within their domain but what appears from perusal of the documents that the verification was sought for a marks sheet having Roll No. 21704, whereas from the marks sheet placed on record by the petitioner issued by Oudh University, Faizabad, the Roll No. of the petitioner was 21764. This error in Roll Number was pointed out by the petitioner to the Chief Executive Officer of the respondent Zila Parishad and he too was in agreement of the petitioner, therefore, under a communication dated 15.04.94 he again made a request to the Registrar of the Oudh University to verify the particulars pertaining to the Roll No.21764. The respondent Zila Parishad may have not received any details with regard to the record of the roll number mentioned above, but merely on that count, it was not proper to say that the Degree possessed by the petitioner from Oudh University was fraudulent. The respondents in normal course should have treated a Degree issued by a Statutory University genuine, but on doubt a verification could have been made but without having any material to disbelieve genuineness of the document it should not been thrown, specially in the circumstances that admission was given to the petitioner in the course of Bachelor Degree in Education and Master Degree in Arts on basis of that document. I do not find any just and valid reason available to the

respondents to doubt genuineness of the Degree placed on record by the petitioner.

In view of the discussion above, I am of the opinion that the denial of appointment by the respondents to the petitioner as Teacher Grade III was erroneous.

The writ petition, therefore, deserves acceptance, accordingly the same is allowed and the respondents are directed to accord appointment to the petitioner as Teacher Grade II from the date it was accorded to other similarly situated persons and the persons who were at lower pedestal than the petitioner in the select list. The petitioner is also declared entitled for all consequential benefits such as seniority, continuity in service, notional fixation of pay and grant of annual grade increments etc.

No order to cost.

(GOVIND MATHUR)J.

Anil/